

DEC 02 2004

PTO/SB/20 (09-04)

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 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: AS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/822,985
	Filing Date	March 29, 2004
	First Named Inventor	Thomas INNEARITY
	Art Unit	1854
	Examiner Name	A. Gupta
	Attorney Docket Number	220002059710

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☒ Consider the arguments in the Response to Final Office Action previously filed on 8/7/04, in the Supplemental Amendment After Final Action filed on 10/4/04, and in the Supplement if Amendment After Final Action filed on 11/8/04.
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Information Disclosure Statement (IDS)
- iii. ☒ Other Fee Transmittal (1 page + duplicate for fee processing); Facsimile coversheet (1 page)
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Karen R. Zachow</i>	Date	December 2, 2004
Name (Print/Type)	Karen R. Zachow, Ph.D.	Registration No.	46,332

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at (713) 872-0000, on the date shown below.

Dated: December 2, 2004 Signature: *[Signature]* (Grace L. Yu)

sd-233318

PAGE 24 \* RCVD AT 12/2/2004 8:21:03 PM [Eastern Standard Time] \* SVR:USPTO-EFAXF-13 \* DNS:8720306 \* CSID:18587205125 \* DURATION (mm:ss):01:58

*Shirley E.*

PTO/SB17 (10-04-02)  
Approved for use through 12/31/03. 0319 0319-0002  
U.S. Patent and Trademark Office U.S. DEPT. OF COMMERCE  
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## FEE TRANSMITTAL for FY 2005

Effective 10/01/2004 Patent fees are subject to annual review.

☒ Applicant claims small entity status. See 37 CFR 1.37

<b>TOTAL AMOUNT OF PAYMENT</b> (5) 395.00		<b>Complete if Known</b>	
		Application Number	09/822,985
		Filing Date	March 29, 2001
		First Named Inventor	Thomas INNER URITY
		Examiner Name	A. Gupta
		Art Unit	1654
		Attorney Docket No.	220002059710

<p><b>METHOD OF PAYMENT (check all that apply)</b></p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input checked="" type="checkbox"/> Deposit Account</p> <p>Deposit Account Number: 03-1852</p> <p>Deposit Account Name: Morrison &amp; Foerster LLP</p> <p>The Director is authorized for (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayment</p> <p><input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee in the above-designated deposit account.</p>	<p><b>FEE CALCULATION (continued)</b></p> <p><b>3. ADDITIONAL FEES</b></p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Fee Code</th> <th>Fee Code</th> <th>Fee Code</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1081</td> <td>130</td> <td>3051</td> <td>85</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1082</td> <td>80</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1083</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1012</td> <td>3,030</td> <td>1013</td> <td>3,030</td> <td>For filing a request for oral hearing</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SR prior to examination</td> <td></td> </tr> <tr> <td>1806</td> <td>1,840*</td> <td>1806</td> <td>1,840*</td> <td>Requesting publication of SR after examination</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>86</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>430</td> <td>2252</td> <td>215</td> <td>Extension for reply within second or third month</td> <td></td> </tr> <tr> <td>1363</td> <td>960</td> <td>2363</td> <td>450</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,030</td> <td>2254</td> <td>765</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1323</td> <td>2,080</td> <td>2324</td> <td>1,040</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>340</td> <td>2401</td> <td>170</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>340</td> <td>2402</td> <td>170</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>300</td> <td>2403</td> <td>150</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,610</td> <td>1451</td> <td>1,610</td> <td>Petition to institute a pseudo use prior pending</td> <td></td> </tr> <tr> <td>1482</td> <td>110</td> <td>2482</td> <td>86</td> <td>Petition to revive - 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late filing fee or oath		1082	80	2052	25	Surcharge - late provisional filing fee or cover sheet		1083	130	1053	130	Non-English specification		1012	3,030	1013	3,030	For filing a request for oral hearing		1804	920*	1804	920*	Requesting publication of SR prior to examination		1806	1,840*	1806	1,840*	Requesting publication of SR after examination		1251	110	2251	86	Extension for reply within first month		1252	430	2252	215	Extension for reply within second or third month		1363	960	2363	450	Extension for reply within third month		1254	1,030	2254	765	Extension for reply within fourth month		1323	2,080	2324	1,040	Extension for reply within fifth month		1401	340	2401	170	Notice of Appeal		1402	340	2402	170	Filing a brief in support of an appeal		1403	300	2403	150	Request for oral hearing		1451	1,610	1451	1,610	Petition to institute a pseudo use prior pending		1482	110	2482	86	Petition to revive - unintentional		1483	1,370	2483	685	Petition to revive - unintentional		1501	1,370	2501	685	Utility issue fee (or rebate)		1602	420	2602	245	Design issue fee		1609	890	2609	330	Plant issue fee		1600	730	1600	130	Positions to the Commissioner		1907	60	1907	60	Presenting the under 37 CFR 1.17(e)		1806	180	1806	180	Submission of Information Disclosure Sheet		8021	40	8021	40	Recording each patent assignment or property (shows number of properties)		1908	790	2908	365	Filing a nomination after the request (37 CFR 1.129(p))		1910	700	2910	305	For each additional invention to be examined (37 CFR 1.128(p))		1801	790	2801	365	Request for Continued Examination (RCE)	395.00	1802	800	1802	900	Reversion for expedited examination of a design application	
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<b>1. BASIC FILING FEE</b>	
Large Entity	Small Entity
Fee Code (5)	Fee Code (6)
1001 700	2001 305
1002 330	2002 175
1003 860	2003 275
1004 700	2004 365
1005 150	2005 80
SUBTOTAL (1) (5) 0.00	

<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>	
Total Claims	Fee Paid
Independent Claims	
Multiple Dependent	
Large Entity	Small Entity
Fee Code (5)	Fee Code (6)
1202 18	2202 9
1201 68	2201 44
1200 200	2200 100
1204 89	2204 44
1206 18	2206 9
SUBTOTAL (2) (6) 0.00	

\*For number previously paid, if greater; For Reissues, see above

<b>SUBMITTED BY</b>		<b>(Complete if applicable)</b>	
Name (Print/Type)	Karen R. Zachow, Ph.D.	Registration No.	46,332
Signature	<i>Karen R. Zachow</i>	Telephone	(858) 721-6191
		Date	December 2, 2004

Duplicate Copy  
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